

In the Matter of Merchant Mariner's Document No. Z-168887 and All Other Seaman Documents  
Issued to: AUGUSTUS HICKS, JR.

DECISION OF THE COMMANDANT  
UNITED STATES COAST GUARD

1206

AGUSTUS HICKS, JR.

This appeal has been taken in accordance with Title 46 United States Code 239a-b and Title 46 Code of Federal Regulations 137.11-1.

By order dated 8 March 1960, an Examiner of the United States Coast Guard at Philadelphia, Pennsylvania revoked Appellant's seaman documents upon finding him guilty of the charge of "conviction for a narcotic drug law violation." The specification found proved alleges that, on 5 May 1955, Appellant was convicted by the Court of Quarter Sessions of the Peace for the County of Philadelphia, Pennsylvania, a court of record, for a violation of the narcotic drug laws of the State of Pennsylvania (unlawful sale of an opium derivative on 27 August 1954).

Although Appellant entered a plea of guilty at the hearing, the Investigating Officer introduced documentary evidence of the conviction.

OPINION

This appeal is based on the grounds that the narcotics conviction should not be used five years later to revoke Appellant's document; he advised the Coast Guard of this conviction when applying for a port security pass; this deprives Appellant of his livelihood; the order is harsh under the circumstances.

The statute (46 U.S. Code 239a-b) provides for revocation of a seaman's document up to ten years after he has been convicted for a narcotic drug law violation. Hence, this action five years after the conviction is proper. Regardless of the severity of the order and the effect of the revocation on Appellant's livelihood, the order will be sustained. The statute does not provide for any order other than revocation after proof of a narcotics conviction.

This proceeding is independent of any action taken on an application for a port security card. Nevertheless, I take official notice of the fact that because of this narcotics conviction Appellant was not issued such a card after he applied for one in 1960.

ORDER

The order of the Examiner dated at Philadelphia, Pennsylvania, on 8 March 1960, is  
AFFIRMED.

J. A. Hirschfield  
Vice Admiral, United States Coast Guard  
Acting Commandant

Dated at Washington, D. C., this 14th day of November 1960.